

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
COLUMBIA DIVISION**

GEORGE J. KELLER,

Plaintiff,

v.

**ROBERTSON COUNTY DETENTION FACILITY
and SOUTHERN HEALTH PARTNERS,**

Defendants.

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Case No. 3:12-cv-00116

Judge Campbell

ORDER

Plaintiff George J. Keller, who is presently incarcerated at the Robertson County Detention Facility ("RCDF"), has filed a *pro se* complaint asserting claims under 42 U.S.C. § 1983 alleging that the defendants, RCDF and Southern Health Partners, were deliberately indifferent to his serious medical needs by denying him appropriate treatment (ECF No. 1). The Court has granted the plaintiff's Application to Proceed *in Forma Pauperis*.

Under the Prison Litigation Reform Act (PLRA), the courts are required to screen a prisoner's civil complaint where, as here, the complaint is filed *in forma pauperis* or if it seeks redress from a governmental entity or official. 28 U.S.C. §§ 1915(e)(2), 1915A. After the initial screening, the Court must, based on the Sixth Circuit's interpretation of the PLRA, dismiss the complaint *sua sponte*, before service on any defendant, if it is determined to be frivolous or malicious, if it fails to state a claim on which relief may be granted, or if it seeks monetary relief from a defendant immune from such relief. *McGore v. Wrigglesworth*, 114 F.3d 601, 612 (6th Cir. 1997), *overruled on other grounds by Jones v. Bock*, 549 U.S. 199 (2007).

As explained in the accompanying Memorandum Opinion, this Court finds that the plaintiff fails to state a claim against any of the named defendants for which relief may be granted. Under binding and unambiguous Sixth Circuit precedent, this Court has "no discretion in permitting a plaintiff to amend a complaint to avoid a *sua sponte* dismissal. If a complaint falls within the requirements of § 1915(e)(2) when filed, the district court should *sua sponte* dismiss the complaint." *McGore*, 114 F.3d at 612.


Accordingly, because the plaintiff fails to state a claim against any named defendant for which relief

may be granted, this action is hereby **DISMISSED WITHOUT PREJUDICE**.

All other pending motions are **DENIED** as moot.

It is so **ORDERED**.

This is a final judgment for purposes of Fed. R. Civ. P. 58.

A handwritten signature in black ink that reads "Todd Campbell". The signature is written in a cursive style with a horizontal line extending from the end of the name.

Todd Campbell
United States District Judge